

*Atty Docket: 210453US01 (4081-04401)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, 5-9, 17, 19, 21, 23-25, 31, 39, 42-44, 46, 49 and 51 have been amended.

Claims 4, 26-30 and 32-36 have been canceled.

As such, claims 1-3, 5-25, 31, and 37-53 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

Claim Rejections – 35 U.S.C. § 112 first paragraph rejections

Applicants respectfully traverse the Examiner's 112 rejection of claim 25. The Examiner's position is that the specification does not enable metals other than chromium in the context of claim 25. The only evidence that the Examiner provides in support of his nonenablement argument is a general statement that changes occur to chemical reactivity of elements across the periodic table. While this general statement may be true, the Examiner has provided no evidence or explanation of how or why changing the metal, M, of the pyrrole derivative would adversely impact abatement of water, acidic protons, or both from such compounds. Applicants have amended claim 25 to recite that the abating is performed by contact of the recited pyrrole derivative with a non-halide metal alkyl. Stated alternatively, Applicants abate water, acidic protons, or both from a pyrrole derivative via contact thereof with a non-halide metal alkyl. Applicants respectfully submit that the specification is enabling and consistent with the scope of claim 25.

Claim Rejections – 35 U.S.C. § 112 second paragraph rejections

Claims 2, 25, 42, 46, 49, and 51 stand rejected under 35 USC § 112, second paragraph as being indefinite. In general, Applicants respectfully traverse these rejections, but in an effort to

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substantively advance prosecution, have amended the claims as follows to address various non-substantive issues.

As to claim 2, Applicants respectfully submit that “metal halide-containing compound” is clear in the context of the pending claims, and is defined in the context of claim 2 as including (iii) a non-metal halide and a metal alkyl, which may form a metal halide-containing compound.

Claim 25 has been amended as suggested by the Examiner.

Claim 42 has been amended to delete “known methods used”.

Claim 46 has been amended to more clearly recite when the abating occurs.

Claim 49 has been amended to clarify “azeotropic distillation”. When the contacting occurs is now clear in view of the amendment to claim 46.

Claim 51 has been amended as suggested by the Examiner.

Claim Rejections – 35 U.S.C. § 102 & 103

Claims 1-24, 31 and 37-53 stand rejected under 35 USC §102(b) as being anticipated by *Reagen* (US 5,376,612), and claim 25 stands rejected under 35 USC §103(a) as obvious over *Reagen*. Applicants respectfully submit that *Reagen* does not provide a *prima facie* case of anticipation or obviousness as to the pending claims. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Likewise, MPEP § 2142 requires that “the prior art reference must teach or suggest all the claim limitations” in order to establish a *prima facie* case of obviousness. Applicants respectfully submit that *Reagen* does not teach or suggest each and every limitation set forth in the pending claims, and therefore does not anticipate or make obvious the pending claims.

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In respect to independent claims 1, 23, 24, 25, and 31 and their dependents, Applicants respectfully disagree with the Examiner's characterization of *Reagen*. However, in order to advance prosecution, Applicants have amended independent claims 1, 23, 24, 25, and 31 to include the limitation from dependent claim 4. Thus, independent claim 1, 23, 24, 25, and 31 now each recite abating water, acidic protons, or both from various catalyst components "by contact thereof with a non-halide metal alkyl." As amended, *Reagen* does not teach or suggest the specific method of abating water, acidic protons, or both from various catalyst components "by contact thereof with a non-halide metal alkyl" as is expressly recited in amended independent claims 1, 23, 24, 25, and 31 and claims 2-3, 5-22, 37-38 depending therefrom. Given that *Reagen* does not teach or suggest each and every element of claims 1-3, 5-25, 31, and 37-38, such claims are not anticipated by or obvious in view of *Reagen* and are therefore allowable over the art of record.

In regards to claims 39 and 43 and their dependents, Applicants respectfully disagree with the Examiner's characterization of *Reagen*. However, in order to advance prosecution, claims 39 and 43 have been rewritten in independent form and further recite specific abatement techniques. Specifically, claim 39 recites contacting the chromium-containing compound "with a solvent to form a solution and the solution is subjected to distillation to remove a water-containing azeotrope from the solution." Claim 43 recites contacting various components with an adsorbent to remove water. As amended, *Reagen* does not teach or suggest "abating all or a portion of water, acidic protons, or both" via "distillation of a water-containing azeotrope" as is expressly recited in independent claim 39 or via contact "with an adsorbent" as is expressly recited in independent claim 43. Given that *Reagen* does not teach or suggest each and every element of independent claims 39 and 43, and claims 40-42 and 44-45 depending therefrom, such claims are not anticipated by or obvious in view of *Reagen* and are therefore allowable over the art of record.

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In relation to independent claim 46, Applicants respectfully disagree with the Examiner's characterization of *Reagen*. However, in order to advance prosecution, independent claim 46 now recites "abating all or a portion of water, acidic protons, or both from a composition comprising the chromium-containing compound prior to or during formation of the catalyst." As amended, *Reagen* does not teach or suggest "abating all or a portion of water, acidic protons, or both from a composition comprising the chromium-containing compound prior to or during formation of the catalyst" as is expressly recited in independent claim 46 and claims 47-53 depending therefrom. Given that *Reagen* does not teach or suggest each and every element of claims 46-53, such claims are not anticipated by or obvious in view of *Reagen* and are therefore allowable over the art of record.

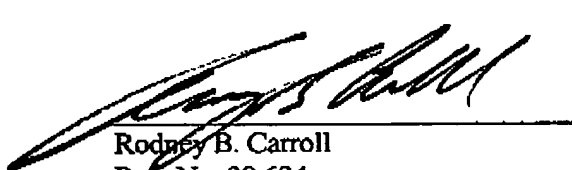
*Atty Docket: 210453US01 (4081-04401)**Patent***CONCLUSION**

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicants. No new matter is introduced by way of the amendments. It is believed that each ground of rejection raised in the Office Action dated January 18, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

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